

WEIDE & MILLER, LTD.

F. Christopher Austin, Esq. (SBN 6559)
10655 Park Run Drive, Suite 100
Las Vegas, Nevada 89144
(702) 382-4804
caustin@weidemiller.com

LEX TECNICA, LTD.

Samuel Castor, (NVB 11532)
Erven T. Nelson, Esq.(NVB 2332)
Scott Whitworth, Esq.(NVB 15671)
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
(725) 239-8413
sam@lextecnica.com
erv@lextecnica.com
scott@lextecnica.com

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

AFTER SERVICES, INC., a Delaware
corporation,

Plaintiff,

vs.

FOUNDATION PARTNERS GROUP, LLC, a
Florida limited liability company,

Defendant.

Case No. 2:24-cv-01207-JCM-BNW

**STIPULATION TO WITHDRAW
MOTION FOR A PRELIMINARY
INJUNCTION (ECF 10), VACATE
HEARING, EXTEND TIME TO
RESPOND TO COMPLAINT, AND
SUBMIT A PROPOSED EXPEDITED
SCHEDULE FOR DISCOVERY AND
TRIAL ON THE MERITS.**

Plaintiff AFTER SERVICES, INC., (“After”) and Defendant FOUNDATION PARTNERS GROUP, LLC (“FPG”) hereby stipulate to accelerate the trial of this case on the merits in lieu of a preliminary injunction hearing on Plaintiff’s pending preliminary injunction motion and agree to the entry of an order: (1) withdrawing Plaintiff’s Motion for Preliminary Injunction Against Defendant (ECF Nos. 10 & 11); (2) vacating the hearing on Plaintiff’s Motion for a Preliminary Injunction (ECF Nos. 10, 11) presently set for September 30, 2024; (3) extending Defendant’s time to answer or otherwise respond to the Complaint (ECF No. 1) until October 4, 2024; and (4) ordering the parties to meet-and-confer and submit, by September 27,

2024, a proposed joint discovery plan and scheduling order seeking an to accelerate case schedule and expedited trial on the merits of Plaintiff's claims during the Spring of 2025 or at the earliest available date thereafter at the Court's convenience. Additional reasons for the requested stipulation are set forth below.

I. BACKGROUND AND PROCEDURAL HISTORY

On July 3, 2024, Plaintiff filed its Complaint. (ECF No. 1). On August 1, 2024, Plaintiff filed its Motion for Preliminary Injunction (ECF 10) and on August 6, 2024, filed a Notice of Corrected Image (ECF No. 11) (the "Motion"). Plaintiff served both its Complaint and the Motion on Defendant on August 15, 2024. (ECF No. 12).

Defendant sought an extension of time to file and serve its opposition (ECF No. 13), which the Court granted. The Court set September 12, 2024, as Defendant's deadline to file its opposition, September 19, 2024, as Plaintiff's deadline to file a reply brief, and scheduled a hearing on the Motion for September 30, 2024. (ECF Nos. 15 & 17). Defendant filed its opposition brief to the Motion on September 12, 2024. (ECF No. 24).

The Opposition was accompanied by exhibits including three expert reports and appendices. Plaintiff then sought an extension of time from Defendant to retain experts in rebuttal and to prepare and file its Reply. During the meet and confer process and on Plaintiff's request, Plaintiff and Defendant agreed that it would be in the respective best interests of the parties to expeditiously advance this matter to a trial on the merits. During such meetings, Defendant then sought, and Plaintiff agreed, to extend Defendant's deadline to answer or otherwise respond to the Complaint.

Accordingly, the parties have agreed to seek an order: (1) withdrawing the Motion, without prejudice and vacating all associated deadlines; (2) vacating the September 30, 2024 hearing on the Motion; (3) extending Defendant's time to answer or otherwise respond to the Complaint to October 4, 2024; and (4) permitting the parties to submit an agreed-upon proposed Joint Discovery Plan and Scheduling Order that would accelerate discovery and expedite the matter to at trial on the merits during the Spring of 2025 or the earliest date thereafter at the Court's convenience. The parties further stipulate to an order requiring the submission of such a

1 proposed joint scheduling order, a proposed trial date and other pre-trial and case deadlines,
2 including any requested by the Court, by September 27, 2024.

3 Defendant agrees that it will not use the withdrawal of the Motion for Preliminary
4 Injunction against Plaintiff at trial, and Plaintiff shall not re-file or otherwise seek preliminary
5 injunctive relief before trial, and Plaintiff further agrees that Defendant shall not be restricted from
6 continuing to use the AFTERALL mark and domain name prior to and pending the trial on the
7 merits. This, however, shall in no way be deemed to constitute Plaintiff's consent to, or an express
8 or implied license for, Defendant to use the AFTERALL mark and domain name.

9 There is good cause for this request. Neither party wants to delay the resolution of this
10 dispute as both parties maintain that such a delay is harming them. For the reasons stated herein,
11 there is good cause to expeditiously advance the request for injunctive relief to a trial on the merits.

12 Therefore, the parties hereby stipulate to the entry of an order as follows:

- 13 1. The Plaintiff's Motion for Preliminary Injunction is withdrawn, without prejudice
14 and all associated deadlines are vacated;
- 15 2. The Hearing on Plaintiff's Motion for a Preliminary Injunction set for September
16 30, 2024, is vacated;
- 17 3. Plaintiff's September 19, 2024, deadline to file its Reply in support of the Motion
18 for Preliminary Injunction is vacated;
- 19 4. The parties shall meet and confer and shall submit a Proposed Joint Discovery Plan
20 and Scheduling Order for the Court's consideration setting forth a proposed
21 expedited trial date during the Spring of 2025 or at the Court's earliest convenience
22 thereafter, any discovery deadlines and any other pretrial deadlines, by no later than
23 September 27, 2024;
- 24 5. Defendant's deadline to answer or otherwise respond to the Complaint shall now
25 be October 4, 2024; and
- 26 6. Defendant will not use the withdrawal of the Motion for Preliminary Injunction
27 against Plaintiff at trial, and Plaintiff shall not re-file or otherwise seek preliminary
28 injunctive relief before trial, and Defendant shall not be restricted from continuing

1 to use the AFTERALL mark and domain name prior to and pending the trial on the
2 merits; however, this shall in no way be deemed to constitute Plaintiff's consent to,
3 or an express or implied license for, Defendant to use the AFTERALL mark and
4 domain name.

5 **IT IS SO AGREED AND STIPULATED:**

6 DATED: September 19, 2024

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8 **HOWARD & HOWARD
ATTORNEYS, PLLC**

9 /s/ Jonathan W. Fountain
10 Jonathan W. Fountain, Esq.
Nevada Bar No. 10351
11 W. West Allen, Esq.
Nevada Bar No. 5566
12 3800 Howard Hughes Pkwy, Suite 1000
Las Vegas, NV 89169
13 Tel. (702) 257-1483
Email: jwf@h2law.com
14 Email: wwa@h2law.com

15 -and-

16 Eleanor M. Yost, Esq.
CARLTON FIELDS
17 4221 W. Boy Scout Blvd., Suite 1000
Tampa, FL 33607
18 Tel. (813) 229-4395
Email: eyost@carltonfields.com

19 Joan K. Archer, Esq.
CARLTON FIELDS
20 2029 Century Park East, Suite 1200
Los Angeles, CA 90067
21 Tel. (310) 843-6367
22 Email: jarcher@carltonfields.com

23 *Attorneys for Defendant*
Foundation Partners Group, LLC

WEIDE & MILLER, LTD.

/s/ F. Christopher Austin
F. Christopher Austin, Esq. (NVB 6559)
10655 Park Run Drive, Suite 100
Las Vegas, NV 89144
(702) 382-4804
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Las Vegas, Nevada 89145
(725) 239-8413
sam@lextecnica.com
erv@lextecnica.com
scott@lextecnica.com
Attorneys for Plaintiff

24
25 **IT IS SO ORDERED:**

26 
27 _____
28 UNITED STATES DISTRICT JUDGE

Dated: September 20, 2024